

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KIEN D. CO
1739 20th Avenue
Oakland, CA 94606

Registered Nurse License No. 578325,

Respondent.

Case No. 2007-232

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 15, 2008.

It is so ORDERED January 15, 2008.

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FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 HANNAH H. ROSE, State Bar No. 56276
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7 Attorneys for Complainant

8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 KIEN D. CO
1739 20th Avenue
14 Oakland, CA 94606

15 Registered Nurse License No. 578325,

16 Respondent.

Case No. 2007-232

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Hannah H. Rose, Deputy Attorney General.

25 2. Respondent Kien D. Co (Respondent) is represented in this proceeding by
26 attorney Robert F. Hahn, whose address is 5801 Christie Avenue, Suite 385, Emeryville, CA
27 94608.

28 //

3. On or about March 8, 2001, the Board of Registered Nursing issued Registered Nurse License No. 578325 to Kien D. Co (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-232 and will expire on April 30, 2007, unless renewed.

JURISDICTION

4. Accusation No. 2007-232 was filed before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 13, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-232 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 2007-232. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; *the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.*

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every allegation regarding the underlying facts of Accusation No. 2007-232 as specifically set forth below:

a) That on two (2) occasions, once during his September 28, 2004 shift, and once

1 during his September 29, 2004 shift, in caring for Patient A, Respondent failed to follow the
2 required schedule for finger-stick blood-glucose testing and missed one required test during each
3 of the above shifts;

4 b) That on several occasions Respondent failed to document Patient A's Diabetic
5 Record notes as required by the IIP during those two shifts;

6 c) That Respondent failed to draw a blood sample and send the same to the lab
7 when Patient A's blood glucose level dropped below 70 mg/dl., as required by the IIP;

8 d) That Respondent failed to call the MD when Patient A's blood glucose level
9 dropped to 64 mg/dl., as required by the IIP.

10 9. The allegations as set forth in Accusation paragraphs 11 and 12 are not
11 admitted and are not deemed true.

12 10. Respondent agrees that his Registered Nurse License is subject to
13 discipline and he agrees to be bound by the Board of Registered Nursing (Board) 's imposition of
14 discipline as set forth in the Disciplinary Order below.

15 CONTINGENCY

16 11. This stipulation shall be subject to approval by the Board of Registered
17 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
18 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
19 and settlement, without notice to or participation by Respondent or his counsel. By signing the
20 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
21 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
22 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
23 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
24 action between the parties, and the Board shall not be disqualified from further action by having
25 considered this matter.

26 OTHER MATTERS

27 12. The parties understand and agree that facsimile copies of this Stipulated
28 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same

1 force and effect as the originals.

2 **DISCIPLINARY ORDER**

3 In consideration of the foregoing admissions and stipulations, the parties agree
4 that the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 IT IS HEREBY ORDERED that Registered Nurse, License No. 578325 issued to
7 Respondent Kien D. Co (Respondent) is revoked. However, the revocation is stayed and
8 Respondent is placed on probation for three (3) years on the following terms and conditions.

9 **Severability Clause.** Each condition of probation contained herein is a separate
10 and distinct condition. If any condition of this Order, or any application thereof, is declared
11 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
12 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
13 and enforceable to the fullest extent permitted by law.

14 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
15 A full and detailed account of any and all violations of law shall be reported by Respondent to
16 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
17 compliance with this condition, Respondent shall submit completed fingerprint forms and
18 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
19 as part of the licensure application process.

20 **Criminal Court Orders:** If Respondent is under criminal court orders, including
21 probation or parole, and the order is violated, this shall be deemed a violation of these probation
22 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

23 2. **Comply with the Board's Probation Program.** Respondent shall fully
24 comply with the conditions of the Probation Program established by the Board and cooperate
25 with representatives of the Board in its monitoring and investigation of the Respondent's
26 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
27 within no more than 15 days of any address change and shall at all times maintain an active,
28 current license status with the Board, including during any period of suspension.

1 Upon successful completion of probation, Respondent's license shall be fully
2 restored.

3 3. **Report in Person.** Respondent, during the period of probation, shall
4 appear in person at interviews/meetings as directed by the Board or its designated
5 representatives.

6 4. **Residency, Practice, or Licensure Outside of State.** Periods of
7 residency or practice as a registered nurse outside of California shall not apply toward a reduction
8 of this probation time period. Respondent's probation is tolled, if and when he resides outside of
9 California. Respondent must provide written notice to the Board within 15 days of any change of
10 residency or practice outside the state, and within 30 days prior to re-establishing residency or
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where he has ever been
13 licensed as a *registered nurse, vocational nurse, or practical nurse*. Respondent shall further
14 provide information regarding the status of each license and any changes in such license status
15 during the term of probation. Respondent shall inform the Board if he applies for or obtains a
16 new nursing license during the term of probation.

17 5. **Submit Written Reports.** Respondent, during the period of probation,
18 shall submit or cause to be submitted such written reports/declarations and verification of actions
19 under penalty of perjury, as required by the Board. These reports/declarations shall contain
20 statements relative to Respondent's compliance with all the conditions of the Board's Probation
21 Program. Respondent shall immediately execute all release of information forms as may be
22 required by the Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency
24 in every state and territory in which he has a registered nurse license.

25 6. **Function as a Registered Nurse.** Respondent, during the period of
26 probation, shall engage in the practice of registered nursing in California for a minimum of 24
27 hours per week for 6 consecutive months or as determined by the Board.

28 For purposes of compliance with the section, "engage in the practice of registered

nursing” may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent’s probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. Employment Approval and Reporting Requirements. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to his employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. Supervision. Respondent shall obtain prior approval from the Board regarding Respondent’s level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse

1 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
2 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
3 are approved.

4 Respondent's level of supervision and/or collaboration may include, but is not
5 limited to the following:

6 (a) Maximum - The individual providing supervision and/or collaboration is
7 present in the patient care area or in any other work setting at all times.

8 (b) Moderate - The individual providing supervision and/or collaboration is in
9 the patient care unit or in any other work setting at least half the hours Respondent works.

10 (c) Minimum - The individual providing supervision and/or collaboration has
11 person-to-person communication with Respondent at least twice during each shift worked.

12 (d) Home Health Care - If Respondent is approved to work in the home health
13 care setting, the individual providing supervision and/or collaboration shall have person-to-
14 person communication with Respondent as required by the Board each work day. Respondent
15 shall maintain telephone or other telecommunication contact with the individual providing
16 supervision and/or collaboration as required by the Board during each work day. The individual
17 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
18 site visits to patients' homes visited by Respondent with or without Respondent present.

19 9. **Employment Limitations.** Respondent shall not work for a nurse's
20 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
21 traveling nurse, or for an in-house nursing pool.

22 Respondent shall not work for a licensed home health agency as a visiting nurse
23 unless the registered nursing supervision and other protections for home visits have been
24 approved by the Board. Respondent shall not work in any other registered nursing occupation
25 where home visits are required.

26 Respondent shall not work in any health care setting as a supervisor of registered
27 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
28 nurses and/or unlicensed assistive personnel on a case-by-case basis.

1 Respondent shall not work as a faculty member in an approved school of nursing
2 or as an instructor in a Board approved continuing education program.

3 Respondent shall work only on a regularly assigned, identified and predetermined
4 worksite(s) and shall not work in a float capacity.

5 If Respondent is working or intends to work in excess of 40 hours per week, the
6 Board may request documentation to determine whether there should be restrictions on the hours
7 of work.

8 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall
9 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
10 than six months prior to the end of his probationary term.

11 Respondent shall obtain prior approval from the Board before enrolling in the
12 course(s). Respondent shall submit to the Board the original transcripts or certificates of
13 completion for the above required course(s). The Board shall return the original documents to
14 Respondent after photocopying them for its records.

15 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
16 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
17 amount of \$3,000.00. Respondent shall be permitted to pay these costs in a payment plan
18 approved by the Board, with payments to be completed no later than six months prior to the end
19 of the probation term.

20 If Respondent has not complied with this condition during the probationary term,
21 and Respondent has presented sufficient documentation of his good faith efforts to comply with
22 this condition, and if no other conditions have been violated, the Board, in its discretion, may
23 grant an extension of Respondent's probation period up to one year without further hearing in
24 order to comply with this condition. During the one year extension, all original conditions of
25 probation will apply.

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1 12. **Violation of Probation.** If Respondent violates the conditions of his
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Respondent's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Respondent's license, the
8 probationary period shall automatically be extended and shall not expire until the accusation or
9 petition has been acted upon by the Board.

10 13. **License Surrender.** During Respondent's term of probation, if he ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender his license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
16 will no longer be subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and
18 shall become a part of Respondent's license history with the Board. A registered nurse whose
19 license has been surrendered may petition the Board for reinstatement no sooner than the
20 following minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any
22 reason other than a mental or physical illness; or


23 (2) One year for a license surrendered for a mental or physical illness.

24 ACCEPTANCE

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and
26 have fully discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the
27 effect it will have on my Registered Nurse, License. I enter into this Stipulated Settlement and
28 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the

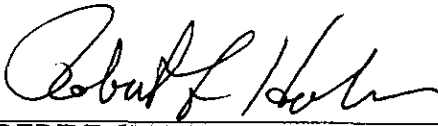
1 Decision and Order of the Board of Registered Nursing.

2 DATED: 10/8/07

3 
4 KIEN D. CO
Respondent

5 I have read and fully discussed with Respondent Kien Co the terms and conditions
6 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
7 its form and content.

8 DATED: 10/8/07

9 
10 ROBERT F. HAHN
Attorney for Respondent


11
12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
14 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
15 Affairs.

16 DATED: 10/16/07

17 EDMUND G. BROWN JR., Attorney General
18 of the State of California

19 FRANK H. PACOE
Supervising Deputy Attorney General

20 
21 HANNAH H. ROSE
22 Deputy Attorney General

23 Attorneys for Complainant

24 DOJ Matter ID: SF2006400161
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Exhibit A
Accusation No. 2007-232

1 BILL LOCKYER, Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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7 Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-232

12 **KIEN D. CO**
13 1739 20th Avenue
14 Oakland, CA 94606

ACCUSATION

15 **Registered Nurse License No. 578325,**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about March 8, 2001, the Board of Registered Nursing ("Board")
23 issued Registered Nurse License Number 578325 to Kien D. Co ("Respondent"). The license
24 will expire on April 30, 2007, unless renewed.

25 **JURISDICTION**

26 3. Section 2750 of the Business and Professions Code ("Code") provides:

27 "Every certificate holder or licensee, including licensees
28 holding temporary licenses, or licensees holding licenses placed
in an inactive status, may be disciplined as provided in this article

1 [Article 3 of the Nursing Practice Act (Bus. & Prof Code,
2 § 2700 et seq.)). As used in this article, 'license' includes
3 certificate, registration, or any other authorization to engage
4 in practice regulated by this chapter. The proceedings under
5 this article shall be conducted in accordance with Chapter 5
(commencing with Section 11500) of Part 1 of Division 3 of
Title 2 of the Government Code [the Administrative Procedure
Act], and the board shall have all the powers granted therein."

6 4. Code section 2764 provides:

7 "The lapsing or suspension of a license by operation of
8 law or by order or decision of the board or a court of law, or the
9 voluntary surrender of a license by a licentiate shall not deprive the
10 board of jurisdiction to proceed with any investigation of or action
or disciplinary proceeding against such license, or to render a
decision suspending or revoking such license."

11 STATUTORY PROVISIONS

12 5. Code section 2761, subdivision (a)(1), provides:

13 "The board may take disciplinary action against a certified
14 or licensed nurse or deny an application for a certificate or
license for any of the following:

15 (a) Unprofessional conduct, which includes, but is not
16 limited to, the following:

17 (1) *Incompetence, or gross negligence in carrying out*
usual certified or licensed nursing functions."

18 6. Code section 125.3 provides that the Board may request the administrative
19 law judge to direct a licentiate found to have committed a violation or violations of the licensing
20 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
21 the case.

22 REGULATORY PROVISIONS

23 7. California Code of Regulations, title 16, section 1443, provides:

24 "As used in Section 2761 of the code, 'incompetence'
25 means the lack of possession of or the failure to exercise that
26 degree of learning, skill, care and experience ordinarily possessed
and exercised by a competent registered nurse as described in
Section 1443.5."

27 ///

28 ///

1 8. California Code of Regulations, title 16, section 1443.5, provides:

2 "A registered nurse shall be considered to be competent
3 when he/she consistently demonstrates the ability to transfer
4 scientific knowledge from social, biological and physical
5 sciences in applying the nursing process, as follows:

6 (1) Formulates a nursing diagnosis through observation
7 of the client's physical condition and behavior, and through
8 interpretation of information obtained from the client and
9 others, including the health team.

10 (2) Formulates a care plan, in collaboration with the client,
11 which ensures that direct and indirect nursing care services provide
12 for the client's safety, comfort, hygiene, and protection, and for
13 disease prevention and restorative measures.

14 (3) Performs skills essential to the kind of nursing action
15 to be taken, explains the health treatment to the client and family
16 and teaches the client and family how to care for the client's
17 health needs.

18 (4) Delegates tasks to subordinates based on the legal
19 scopes of practice of the subordinates and on the preparation
20 and capability needed in the tasks to be delegated, and effectively
21 supervises nursing care being given by subordinates.

22 (5) Evaluates the effectiveness of the care plan through
23 observation of the client's physical condition and behavior, signs
24 and symptoms of illness, and reactions to treatment and through
25 communication with the client and health team members, and
26 modifies the plan as needed.

27 (6) Acts as the client's advocate, as circumstances require,
28 by initiating action to improve health care or to change decisions
or activities which are against the interests or wishes of the client,
and by giving the client the opportunity to make informed
decisions about health care before it is provided."

21 Background

22 9. Beginning in January 2002, Respondent was employed as a registered
23 nurse at Kaiser Permanente Hospital (Kaiser), located in Oakland, California.

24 10. On or about September 28, and 29, 2004, Respondent was assigned
25 to care for Patient "A," a diabetic patient who had been placed on Kaiser's Intensive Insulin
26 Therapy Protocol by her treating physician. Under the directed treatment protocol, hourly
27 "finger stick" blood samples were to be obtained from the patient for blood testing and, based
28 on those results, insulin was to be administered to the patient to maintain her serum blood-

1 glucose level at between 80 mg/dl and 140 mg/dl. According to blood-glucose test results,
2 adjustments in the patient's insulin infusion rate were to be made in order to maintain the
3 desired blood-glucose level.^{1/}

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Incompetence)

6 11. Respondent's license is subject to discipline for unprofessional conduct
7 under Code section 2761, subdivision (a)(1), in that on or about September 28 and 29, 2004,
8 while employed at Kaiser as a registered nurse and assigned to care for Patient "A,"
9 Respondent committed acts of incompetence, as follows:

10 a. On or about September 28, 2004, at approximately 1800, 1900, and
11 2100 hours, Respondent failed to follow Kaiser's Intensive Insulin Therapy Protocol by failing
12 to obtain hourly fingerstick blood samples from Patient "A."

13 b. On or about September 29, 2004, at approximately 1800, 1900, 2100,
14 and 2200 hours, Respondent failed to follow intensive insulin protocol procedure by failing
15 to obtain hourly fingerstick blood samples from Patient "A."

16 c. On or about September 29, 2004, at approximately 1830 hours,
17 Respondent documented in Patient "A's" Diabetic Record that blood testing had resulted in a
18 blood-glucose level reading of 110mg/dl; however, that entry was not supported by Kaiser's
19 data logs.

20 d. On or about September 29, 2004, at approximately 2200 hours,
21 Respondent documented in Patient "A's" Diabetic Record that blood testing had resulted in
22 a blood-glucose level reading of 90 mg/dl; however, that entry was also not supported by
23 Kaiser's data logs.

24 e. On or about September 29, 2004, at approximately 2300 hours,
25 Respondent documented in Patient "A's" Diabetic Record that blood testing had resulted in
26 a blood-glucose level reading of 64mg/dl. Despite blood testing results indicating that

27
28 1. On September 27, 2004, physician orders directed that the intensive insulin protocol be discontinued.
The order was reissued on September 28, 2004.

1 Patient "A's" blood-glucose level was apparently decreasing, Respondent failed to follow
2 intensive insulin protocol procedure by failing to decrease the infusion rate of insulin to
3 the patient, and by failing to notify the patient's physician of decreases in the patient's
4 blood-glucose level.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Unprofessional Conduct)

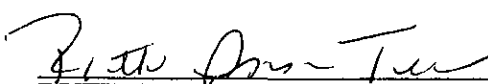
7 12. Respondent's license is subject to discipline for unprofessional conduct
8 under Code section 2761, subdivision (a), in that on or about September 28 and 29, 2004,
9 while employed at Kaiser as a registered nurse and assigned to care for Patient "A,"
10 Respondent committed the acts as set forth under paragraph 11, above.

11 **PRAYER**

12 **WHEREFORE**, Complainant requests that a hearing be held on the matters
13 herein alleged, and that following the hearing the Board issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 578325,
15 issued to Kien D. Co;
16 2. Ordering Kien D. Co to pay the reasonable costs incurred by the Board
17 in the investigation and enforcement of this case pursuant to Code section 125.3; and,
18 3. Taking such other and further action as deemed necessary and proper.
19

20 **DATED:** 2/27/07

21
22
23 
24 RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant